

Senate Resolution 156

By: Senators Shafer of the 48th, Smith of the 52nd, Pearson of the 51st, Unterman of the 45th, Hudgens of the 47th and others

ADOPTED SENATE

A RESOLUTION

1 Opposing the federal "Freedom of Choice Act;" and for other purposes.

2 WHEREAS, Barack Obama, the President of the United States, has promised that one of the
3 top priorities of his new administration is to sign into law the federal "Freedom of Choice
4 Act" which promotes government subsidized abortion on demand without restriction; and

5 WHEREAS, the federal "Freedom of Choice Act" would invalidate any "statute, ordinance,
6 regulation, administrative order, decision, policy, practice, or other action" of any federal,
7 state, or local government or governmental official or anyone acting under government
8 authority that would "deny or interfere with a woman's right to choose" abortion or that
9 would "discriminate against the exercise of the right . . . in the regulation or provision of
10 benefits, facilities, services, or information"; and

11 WHEREAS, the federal "Freedom of Choice Act" would nullify any federal or state law
12 "enacted, adopted, or implemented before, on, or after the date of [its] enactment" and would
13 effectively prevent the State of Georgia from enacting similar protective measures in the
14 future; and

15 WHEREAS, the federal "Freedom of Choice Act" would invalidate more than 550 federal
16 and state abortion related laws; laws that are supported by the majority of the American
17 public; and

18 WHEREAS, the federal "Freedom of Choice Act" would specifically invalidate the following
19 common-sense, protective laws properly enacted by the State of Georgia:

20 (1) The Woman's Right to Know Act which provides information to a woman
21 contemplating an abortion. Such Act contains the following key elements:

22 (A) Informed consent (Code Section 31-9A-3) which requires that the woman be
23 informed about the risks and benefits of the abortion as well as other essential
24 information;

(B) A waiting period (Code Section 31-9A-3) which includes a 24 hour reflection period;
(C) Ultrasound availability (Code Section 31-9A-3) which provides information about the availability of an ultrasound and the option to view the results before making a final decision about abortion;

(2) Partial birth abortion law (Code Section 16-12-144) which places restrictions on a particular method of abortion in which the person performing the abortion partially vaginally delivers a living human fetus before ending the life of the fetus and completing the delivery. Georgia's current partial birth abortion law is in weakened form after a court settlement, and the passage of the federal "Freedom of Choice Act" would not allow the state to strengthen this law;

(3) Restrictions on taxpayer funding of abortion (Division of Medical Assistance, Georgia Department of Community Health, Policies and Procedures for Medicaid/Peachcare for Kids) which currently only allow taxpayer funds for abortion in the case of medical necessity;

(4) Parental notification law (Code Sections 15-11-110 through 15-11-118) which requires that at least one parent be notified before a minor undergoes an abortion;

(5) Requirements that licensed physicians perform abortions (paragraph (2) of subsection (b) of Code Section 16-12-141);

(6) Conscience protection for doctors and medical professionals (Code Section 16-12-142) which protects doctors and medical professionals who object to participating in abortion; and

(7) Health and safety regulations for abortion clinics (Georgia Department of Human Resources Regulations, Chapters 290-5-32 and 290-5-33); and

WHEREAS, the federal "Freedom of Choice Act" will not make abortion safe or rare but will instead actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

WHEREAS, the federal "Freedom of Choice Act" will protect and promote the abortion industry, sacrifice women and their health to a radical political ideology of unregulated abortion on demand, and silence the voices of everyday Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion.

THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body strongly oppose the federal "Freedom of Choice Act" and urge the United States Congress to reject it summarily.

59 BE IT FURTHER RESOLVED that the members of this body strongly oppose the federal
60 "Freedom of Choice Act" because it seeks to circumvent the states' general legislative
61 authority as guaranteed by the Tenth Amendment to the United States Constitution.

62 BE IT FURTHER RESOLVED that the members of this body strongly oppose the federal
63 "Freedom of Choice Act" because it seeks to undermine the right and responsibility of the
64 states and the people to debate, vote on, and determine abortion policy.

65 BE IT FURTHER RESOLVED that the members of this body strongly oppose the federal
66 "Freedom of Choice Act" because the protection of women's health through state regulations
67 on abortion is a compelling state interest that should not be nullified by Congress.

68 BE IT FURTHER RESOLVED that the members of this body strongly oppose the federal
69 "Freedom of Choice Act" because its enactment would nullify numerous laws in the State
70 of Georgia; laws that the General Assembly and the people of Georgia strongly support.

71 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
72 to send an appropriate copy of this resolution to Governor Sonny Perdue, President Barack
73 Obama, the President of the United States Senate, and the Speaker of the United States
74 House of Representatives.